

**ARIZONA SUPREME COURT  
COMMISSION ON MINORITIES IN THE JUDICIARY (COM)  
MINUTES**

Thursday, January 19, 2012  
1:00 pm – 3:00 pm  
Arizona State Courts Building – Room 230  
Phoenix, Arizona

**MEMBERS PRESENT:**

Honorable Roxanne Song Ong, Chair  
Jesus Diaz, Vice Chair  
Mike Baumstark  
Patricia Ferguson-Bohnee  
Arthur L. Wilkerson  
Marian Zapata-Rossa

**PRESENT TELEPHONICALLY:**

Honorable Maria Avilez  
Paul Bennett  
Honorable Peter Eckerstrom  
Honorable Mitchell D.K. Kalauli  
Niccole L. King  
Bob Allen Kirk  
Honorable Leslie Miller  
Honorable Dan Slayton

**MEMBERS ABSENT:**

Diandra Benally  
Joi Hollis  
Kendall Rhyne  
Honorable Alma Vildosola  
Honorable Penny L. Willrich (Ret)

**STAFF:**

Susan Pickard, Court Services Division, AOC  
Annette Mariani, Court Services Division, AOC

**GUEST(S):**

Sandra Acosta, Arizona Department of  
Juvenile Corrections  
Charles Flanagan, Director, Arizona  
Department of Juvenile Corrections  
Angie Flerchinger, JDAI, Coordinator, Juvenile  
Justice Services Division, AOC  
Lou Goodman, Arizona Department of  
Juvenile Corrections  
Carrin Huff, Court Services Division, AOC  
David Withey, Chief Counsel, AOC

**REGULAR BUSINESS**

1. **Call to Order:**  
Honorable Roxanne Song Ong called the meeting to order without a quorum present.
2. **Welcome, Introductions:**  
Commission members present and on the telephone introduced themselves. This was the first meeting for new member, Marian Zapata-Rossa. Ms. Zapata-Rossa is the representative for Los Abogados on the Commission. She is an attorney at Quarles & Brady, LLP in Phoenix, Arizona. All members were welcomed and encouraged to review the charges and projects of the workgroups and to select one of interest to them.

## **BUSINESS ITEMS/POTENTIAL ACTION ITEMS**

### **3. Juvenile Reform**

Presenters: Ms. Angie Flerchinger, JDAI Coordinator, Juvenile Justice Services Division (JJSD), Administrative Office of the Courts (AOC)  
Mr. Jesus Diaz, Vice Chair

Ms. Flerchinger and Mr. Diaz provided the members with a joint presentation of the 4<sup>th</sup> Statewide Report Card and the Juvenile Detention Alternatives Initiative (JDAI). This initiative is a partnership between the AOC and the Annie E. Casey Foundation – a foundation committed to working with underprivileged youth. JDAI is not focused on “not” using detention or “not” detaining youth, it is focused on having the right kids in the right place with the right intervention, along with improving conditions of confinement.

Arizona’s involvement with the JDAI began when the Annie E. Casey Foundation selected Pima County as a replication site. The leadership in Gila, Cochise, Pinal and Maricopa Counties had also expressed an earnest interest in being part of this initiative. As a result, these counties, which represent over 61% of the juveniles referred to detention in the state of Arizona, have been selected as expansion sites.

Next Steps and Progress:

- Presentations were given to stakeholder in each of the counties selected as expansion sites,
- A state-level oversight committee, that will meet monthly, has been established; and
- A JDAI Kick-Off/Fundamentals training is scheduled for February 6<sup>th</sup> and 7<sup>th</sup>, 2012. The Chief Justice has endorsed this event and will be providing opening remarks.

Mike Baumstark gave credit for JDAI becoming a statewide initiative to Jesus Diaz, the Pima County Juvenile Court and court leadership.

### **4. Approval of Minutes**

Having reached a quorum, the minutes were reviewed for approval.

**Motion:** To approve the minutes of the September 29, 2011 meeting as written. The motion was seconded and passed unanimously. COM-012-01

### **5. Arizona Department of Juvenile Corrections (ADJC) – A New Direction**

Presenter: Charles Flanagan, Director, ADJC

Mr. Flanagan presented information on the ADJC’s new direction around the state.

The following highlights of ADJC’s renewed focus were shared with members:

- Helping youth to demonstrate the competencies they have developed in order to improve their ability to successfully transition into the outside world;
- Implementing new technology – enabling distance visitation and meeting attendance through video and teacher-supported online charter school program;
- Providing family educational programming;
- Offering career technical education after high school;
- Improving job skills (which reduces recidivism up to 50%);
- Increasing partnerships between probation and parole (detention centers, courthouses and counties);

- Ensuring adequate supervision in the communities;

Mr. Flanagan also shared copies of the *Department Overview* and the monthly *Just the Facts* statistical report card.

Judge Song Ong thanked Mr. Flanagan for his informative presentation.

## 6. **Arizona State, Tribal and Federal Court Forum**

Presenter: David Withey, AOC Chief Counsel

Mr. Withey shared information about the Arizona State, Tribal and Federal Court Forum and discussed the Forum's current projects.

Opportunities Mr. Withey offered for Local State and Tribal Court Cooperation included:

- Enforcement of tribal court involuntary commitment orders
- Recognition of tribal court judgments
- Wellness/Drug/Specialty court cross-jurisdictional collaboration
- Probation supervision collaboration
- Indian Child Welfare Act compliance in dependency cases
- Child support order enforcement
- Enforcement of orders of protection
- Juvenile Detention

Further discussion ensued. Comments from members regarding collaboration going on around the state included:

- Apache County juror pool cooperation. The Navajo Nation receives lists of jurors who are eligible to serve in tribal court from the Clerk of the Superior Court in Apache County.
- There is a good record of cooperation in the area of judicial education – tribal judges have attended new judge orientation and judicial college. Since tribal judges handle both general and limited jurisdiction work, they often attend both.
- Forum meetings are open to the public with their next meeting taking place at the Salt River Pima Community. The commission was asked if they had an interest in having a joint meeting in April, 20, 2012. This was discussed and it was suggested that perhaps the Collaboration Workgroup would be able to attend this meeting and/or be put on the agenda to present what the commission is doing in terms of our goals for collaboration.

Action Item: Staff to coordinate with workgroup members.

- The Forum will be putting together an Indian Law Summit. Commission member Patricia Ferguson-Bohnee expressed interest in this annual event.
- Encouraging judges who work in jurisdictions that board the community where the Forum is to be held to participate in the meeting is a good opportunity to further the work of the Forum.

## 7. **Coconino County Justice Court Judge Hearings Held on the Navajo Nation**

Presenter: Honorable Dan Slayton

Judge Dan Slayton reported on the recent justice court hearings held on the Navajo Nation. Judge Slayton explained to members that this project's goal was to take Flagstaff Justice Court "on the road" to the constituents that live in the precincts the

Flagstaff Justice Court encompasses: Tuba City, Tonalea, Leupp, and Cameron. Working with the county supervisor, Ms. Lena Fowler, court hearings were arranged to take place on the Navajo Nation in order to help individuals clear warrants, establish a payment plan or address other issues that lead them to avoid coming into the Flagstaff area for fear of arrest. The process consisted of:

- advertising in the Navajo-Hopi newspaper that Flagstaff Justice Court was going to be on the Navajo Nation affording the opportunity to attend a court hearing to help settle any matter that individuals wanted to address
- coordinating with the court manager and her staff who pulled files and compiled a calendar
- obtaining equipment for the proceedings like a hand held recorder to record proceedings and a photo copier to record items such as proof of insurance
- securing a venue, in this case they used a public administration building to hold court

The result of this effort was that 21 out of the 25 identified cases were cleared. The purpose was to help clear warrants and not arrest individuals. This collaborative exercise was very well received and plans to go to other towns (Leupp) are underway.

It was suggested that this program provides a good approach to helping the court build public confidence with the courts.

It was further noted that this type of project could be a great opportunity for the Tohono O'odham Nation in Tucson to collaborate with the courts in Pima County.

## **8. Diversity Project Website Demo**

Presenter: Carrin Huff, AOC Court Services Division

Carrin Huff presented a tour of the draft Diversity Project Website. Judge Peter Eckerstrom and the Diversity Workgroup have been working on this project. The Judge indicated that information from judges on Frequently Asked Questions would be forthcoming.

Commission members suggested other information that could be considered for addition to the website:

- Links to job postings for non-judicial vacancies
- Link to State Bar Minority Bar Section
- Event calendar
- Law schools contact information
- A short introduction by the Chief Justice

Action Item: Once this web site is completed, staff will contact Lisa Deane at the State Bar to help disseminate the information to attorneys

Judge Eckerstrom and the Diversity Workgroup will review the website further and provide more feedback at a later meeting, prior to "going live" on the Arizona Judicial Branch web site.

## 9. Strategic Planning

Presenter: Susan Pickard, Commission Staff

The proposed goals for 2012-2014, identified at the September 2011 meeting, were reviewed for additional details and/or comments. The goals were assigned to workgroups for consideration as follows:

<b>Collaboration and Outreach Workgroup</b>
Conduct community-based outreach to increase access, trust and confidence in the judicial branch by helping minority communities to understand court processes such as protective orders and traffic tickets. Members also discussed possibly looking at juvenile drug courts as part of this goal.
Investigate ways to collaborate with the Arizona State, Tribal and Federal Court Forum. To achieve this goal it was agreed that a select member(s) will participate in the Forum meetings and report back to the Commission.
<b>Cultural Competency Workgroup</b>
Collaborate with the Education Services Division to re-package the online session of the Diversity Broadcast for regional conferences or standalone sessions (30 minutes or 2 - 1½ hours) and/or produce other similar sessions that build upon last year's broadcast. An additional suggestion was to modify the materials available from the National Center for State Courts on Implicit Bias to make them Arizona specific.
<b>Over-representation Workgroup</b>
Collaborate with the Juvenile Justice Services Division to present a session on juvenile reform (which would include information on the Statewide Report Card and alternatives to detention) to appropriate stakeholder groups around the State. It was suggested that offering an initial session similar to what was presented at today's meeting (JDAI and DMC Data) could be a starting point for meeting this goal.
<b>Diversity Workgroup</b>
Create workshops regarding hiring and training practices aimed at improving diversity on the bench. This goal continues COM's ongoing support of the Chris Nakamura Judicial Appointment Workshop and merit selection workshops.
Collaborate with law schools to offer internship/clerkship seminars. This goal would involve Commission members speaking at law schools to encourage students of color to apply for internships and clerkships early in their academic career. It was suggested that judges on the Commission could host an event for minority law students.

Members were asked to remember that the workgroup chair must present projects to the Commission for approval before the workgroup can proceed.

Action Item: Workgroups were asked to report on their assigned goals at the next commission meeting.

## 10. WORKGROUP UPDATES

Collaboration and Outreach – Honorable Roxanne Song Ong

There was no update. It was noted that a new chairperson is needed for this workgroup.

Cultural Competency – Honorable Penny Willrich (Ret.)

There was no update.

Diversity Workgroup – Honorable Peter Eckerstrom

See Agenda Item 8 for report

Over-Representation – Jesus Diaz  
See Agenda Item 3 for report

#### **11. NEXT MEETING**

The next full commission meeting is scheduled for Thursday, April 19, 2012 at the Arizona Courts Building, Conference Rooms 230 from 1:00 – 4:00 pm.

**Good of the Order/Call to the Public** – No members of the public were present

**ACTION ITEMS:** Prior to next meeting:

Members:

- Members not presently working in a workgroup were asked to make a selection and send them to Susan Pickard, Commission Staff
- Commission members need to begin thinking about suggested topic/issues for a possible judicial staff training project.
- Workgroups were asked to report on their assigned goals at the next commission meeting.

Staff:

- Staff will arrange a presentation regarding JSEC on the next agenda.
- Staff will coordinate with the Collaboration and Outreach Workgroup members to identify a COM representative to attend the April 20, Arizona State, Tribal and Federal Court Forum.
- Staff will contact Lisa Deane at the State Bar to help disseminate information regarding the Project Judicial Diversity web site to attorneys.

**Adjourned at 3:50 p.m.**